

2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 2239, a bill to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins.

The PRESIDING OFFICER. Without objection, it is so ordered.

NRC FAIRNESS IN FUNDING ACT OF 1999

On April 13, 2000, the Senate amended and passed S. 1627, as follows:

S. 1627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “NRC Fairness in Funding Act of 2000”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FUNDING

Sec. 101. Nuclear Regulatory Commission annual charges.

Sec. 102. Nuclear Regulatory Commission authority over former licensees for decommissioning funding.

Sec. 103. Cost recovery from Government agencies.

TITLE II—OTHER PROVISIONS

Sec. 201. Office location.

Sec. 202. License period.

Sec. 203. Elimination of NRC antitrust reviews.

Sec. 204. Gift acceptance authority.

Sec. 205. Carrying of firearms by licensee employees.

Sec. 206. Unauthorized introduction of dangerous weapons.

Sec. 207. Sabotage of nuclear facilities or fuel.

TITLE I—FUNDING

SEC. 101. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking “September 30, 1999” and inserting “September 20, 2005”; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting “or certificate holder” after “licensee”; and

(B) by striking paragraph (2) and inserting the following:

“(2) AGGREGATE AMOUNT OF CHARGES.—

“(A) IN GENERAL.—The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—

“(i) amounts collected under subsection (b) during the fiscal year; and

“(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

“(B) PERCENTAGES.—The percentages referred to in subparagraph (A) are—

“(i) 98 percent for fiscal year 2001;

“(ii) 96 percent for fiscal year 2002;

“(iii) 94 percent for fiscal year 2003;

“(iv) 92 percent for fiscal year 2004; and

“(v) 88 percent for fiscal year 2005.”.

SEC. 102. NUCLEAR REGULATORY COMMISSION AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking “and (3)” and inserting “(3)”; and

(2) by inserting before the semicolon at the end the following: “, and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility”.

SEC. 103. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking “, or which operates any facility regulated or certified under section 1701 or 1702.”;

(2) by striking “483a” and inserting “9701”; and

(3) by inserting before the period at the end the following: “, and, commencing October 1, 2000, prescribe and collect from any other Government agency any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law”.

TITLE II—OTHER PROVISIONS

SEC. 201. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking “; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia”.

SEC. 202. LICENSE PERIOD.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking “c. Each such” and inserting the following:

“c. LICENSE PERIOD.—

“(1) IN GENERAL.—Each such”; and

(2) by adding at the end the following:

“(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185(b), the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185(b) are met.”.

SEC. 203. ELIMINATION OF NRC ANTITRUST REVIEWS.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by adding at the end the following:

“(d) APPLICABILITY.—Subsection (c) shall not apply to an application for a license to construct or operate a utilization facility under section 103 or 104(b) that is pending on or that is filed on or after the date of enactment of this subsection.”.

SEC. 204. GIFT ACCEPTANCE AUTHORITY.

(a) IN GENERAL.—Section 161g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended—

(1) by inserting “(1)” after “(g)”;

(2) by striking “this Act;” and inserting “this Act; or”; and

(3) by adding at the end the following:

“(2) accept, hold, utilize, and administer gifts of real and personal property (not including money) for the purpose of aiding or facilitating the work of the Nuclear Regulatory Commission.”.

(b) CRITERIA FOR ACCEPTANCE OF GIFTS.—

(1) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et

seq.) is amended by adding at the end the following:

“SEC. 170C. CRITERIA FOR ACCEPTANCE OF GIFTS.

“(a) IN GENERAL.—The Commission shall establish written criteria for determining whether to accept gifts under section 161g.(2).

“(b) CONSIDERATIONS.—The criteria under subsection (a) shall take into consideration whether the acceptance of the gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission.”.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end the following:

“Sec. 170C. Criteria for acceptance of gifts.”.

SEC. 205. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

(a) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 204(b)) is amended—

(1) in section 161, by striking subsection k. and inserting the following:

“(k) authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;” and

(2) by adding at the end the following:

“SEC. 170D. CARRYING OF FIREARMS.

“(a) AUTHORITY TO MAKE ARREST.—

“(1) IN GENERAL.—A person authorized under section 161k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an individual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

“(2) LIMITATION.—An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under paragraph (1) may make an arrest only—

“(A) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

“(B) in the enforcement of—

“(i) a law regarding the property of the United States in the custody of the Department of Energy, the Nuclear Regulatory Commission, or a contractor of the Department of Energy or Nuclear Regulatory Commission or a licensee or certificate holder of the Commission;

“(ii) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161k.;

“(iii) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

“(iv) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

“(3) OTHER AUTHORITY.—The arrest authority conferred by this section is in addition to any arrest authority under other law.

“(4) GUIDELINES.—The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161k. and this subsection.”.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 204(b)(2)) is amended by adding at the end the following:

“Sec. 170D. Carrying of firearms.”.

SEC. 206. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting “or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act” before the period at the end.

SEC. 207. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking “storage facility” and inserting “storage, treatment, or disposal facility”;

(2) in paragraph (3)—

(A) by striking “such a utilization facility” and inserting “a utilization facility licensed under this Act”; and

(B) by striking “or” at the end;

(3) in paragraph (4)—

(A) by striking “facility licensed” and inserting “or nuclear fuel fabrication facility licensed or certified”; and

(B) by striking the period at the end and inserting “; or”; and

(4) by adding at the end the following:

“(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility.”.

ORDERS FOR WEDNESDAY, APRIL 26, 2000

Mr. THOMPSON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Wednesday, April 26. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. THOMPSON. Mr. President, tomorrow morning when the Senate convenes, it is expected that the veto message on the nuclear waste bill will arrive. Under the rule, when the Senate receives the veto message, the Senate will immediately begin debate on overriding the President's veto. It is hoped that an agreement can be made with regard to debate time on this important legislation.

The cloture motion on the substitute amendment to the marriage penalty tax bill is still pending. That vote will occur immediately following the adoption of the motion to proceed to the victims' rights resolution. Therefore, a few votes could occur tomorrow afternoon or evening.

ORDER FOR ADJOURNMENT

Mr. THOMPSON. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

ARMS CONTROL

Mr. DORGAN. Today, in the Washington Post, there was a story headlined “U.S. Arms Policy is Criticized at the United Nations.” The occasion of the criticism comes at the beginning of the conference to review the status of the Nuclear Non-Proliferation Treaty which opened yesterday at the United Nations in New York. This conference occurs once every 5 years. It is a conference on the status of the Nuclear Non-Proliferation Treaty. I would like to read the first paragraph of the story in the Washington Post because it is really quite a sad day when our country is described in the following way:

After years of championing international attempts to halt the spread of nuclear weapons, the United States found itself on the defensive today as a broad alliance of arms control advocates, senior United Nations officials, and diplomats from nonnuclear countries charged that Washington is blocking progress toward disarmament.

Well, that is not something any of us aspires to hear. I hope and I believe that many of my colleagues want the United States to be seen as a leader in trying to stop the spread of nuclear weapons and in trying to reduce the number of nuclear weapons in this world. Regrettably, others view the actions of the United States—especially in the last few years—as actions that are not actions of a leader in trying to stop the spread of nuclear weapons.

We have made some progress over recent years in reducing the number of nuclear weapons. I want to describe how because I think it is important to understand it.

I ask unanimous consent to show two items on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, this is a piece of metal that comes from the wing strut of a Russian TU-160 Backfire bomber. This bomber carried nuclear weapons during the height of the cold war. This bomber was a threat to the United States of America.

How is it that I stand on the floor of the Senate holding a piece of a wing strut from a Russian bomber? Did we shoot it down? No. It was actually sawed off the wing. Giant, rotating metal saws cut the wings off this bomber. Why? Because we negotiated an agreement with the Russians to reduce the number of bombers and missiles and nuclear warheads in Russia. We reduced our stockpile and our delivery mechanisms, and they reduced theirs. So without shooting down a bomber that carried nuclear bombs that threatened America, I now have in my hand a piece of a wing from a Russian bomber—because arms control works. We know it works.

This chart shows what arms control has done in recent years. In the 1980s we ratified the Intermediate Range Nuclear Forces Treaty, and in the 1990s we ratified the first Strategic Arms Reduction Treaty, or START I. When we started the process in the mid-1980s, the Russians—or then the Soviet Union—had about 11,000 nuclear weapons on long range missiles. Today Russia has about 5,000. That means that 6,000 warheads are now gone. Many of those warheads were probably carried in the Russian Backfire bomber this piece comes from. So 6,000 warheads no longer threaten the United States of America.

Do you know what that represents—6,000 warheads with the kind of strength and power of the nuclear warheads the Russians used to build? That is equal to 175,000 Hiroshima bombs. Let me say that again. We have actually negotiated the reduction of nuclear warheads in the Russian arsenal, and 6,000 warheads are gone. Those 6,000 warheads represented the equivalent of 175,000 atomic bombs dropped on Hiroshima. That is quite remarkable.

This is a small container of ground-up copper wire. This copper wire used to run through a Russian ballistic missile submarine. This type of submarine, a Typhoon class submarine that snaked under the waters throughout the world carrying 20 missiles, with 10 nuclear warheads on the tip of each of those missiles, aimed at the United States of America. This copper wire, before it was ground up, used to course through this Typhoon submarine. But now I